

## RESOLUTION 2021-11

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 3 – Definitions and Article 18 – Planned Zoning Districts

### **Article – 3 Definitions – Private Road:**

Private Roads:

A non-dedicated way, other than driveway, that forms the principal vehicular access to two or more properties. Private roads shall be subject to the Cross Access Easement requirements.

### **Article – 18 Planned Zoning Districts (New Article)**

#### **Section 1.1. Planned Low Density Residential**

Single-family residential development with a minimum lot area of 6,000 square feet (up to 7.26 units/acre) up to 10,000 square feet (4 units/acre).

#### **Section 1.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. Any use permitted in the Planned Residential District
3. More uses can be found in Article 19 Table of Uses.
4. Development within the Planned Low Density Residential District shall abide by the regulations set forth in

Article 27A – Site Development Plan Approval

Article 27B – Performance Standards

Article 27C – Subdivision Standards

#### **Section 1.3. HEIGHT REGULATIONS**

No building shall exceed two and one-half stories or thirty-five (35) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

#### **Section 1.4. AREA REGULATIONS**

##### 1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

##### 2. Side Yard.

a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

3. Rear Yard.

a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.

a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

- 1) Minimum lot size – 6,000 square feet
- 2) Minimum road frontage – 65 feet at the setback line

5. Parking and Loading Requirements.

a. As required by Article 27-B Parking Standards.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

### **Section 2.1. Planned Medium Density Residential**

Two-family residential development with a maximum lot area of 3,000 square feet per dwelling unit or 7,500 square feet per lot (up to 11.61 units per acre).

### **Section 2.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. Any use allowed in the Planned Residential District
3. More uses can be found in Article 19 Table of Uses.
4. Development within the Planned Medium Density Residential District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval  
Article 27B – Performance Standards  
Article 27C – Subdivision Standards

### **Section 2.3. HEIGHT REGULATIONS**

No building shall exceed two and one-half stories or thirty-five (35) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

## **Section 2.4. AREA REGULATIONS**

### 1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

### 2. Side Yard.

a. There shall be a minimum side yard of seven (7) feet, or 0 feet for interior side yards of attached residential units.

### 3. Rear Yard.

a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

### 4. Intensity of Use.

a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size – not more than 3,000 square feet per dwelling unit or 7,500 square feet per lot.

2) Minimum road frontage – 75 feet measured at the setback line or a minimum of 37.5 feet per unit for two-family dwelling units.

### 5. Parking and Loading Requirements.

a. As required by Article 27 B – Parking Standards.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **Section 3.1. Planned High Density Residential**

Multi-family residential development with a minimum lot area of 1,500 square feet per dwelling unit or 10,000 square feet per lot (up to 29.03 units/acre).

## **Section 3.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. Any use allowed in the Planned Residential District
3. More uses can be found in Article 19 Table of Uses.

4. Development within the Planned High Density Residential District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval  
Article 27B – Performance Standards  
Article 27C – Subdivision Standards

**Section 3.3. HEIGHT REGULATIONS**

No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 3.4. AREA REGULATIONS**

1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

a. There shall be a minimum side yard of 10 feet, or 0 feet for interior side yards of attached residential units.

3. Rear Yard.

a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.

a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size – 10,000 square feet per lot of 1,500 square feet per dwelling unit, whichever is larger.

2) Minimum road frontage – 100 feet measured at the setback line or a minimum of 35 feet per unit for two- three- and four- unit family dwelling units.

5. Parking and Loading Requirements.

a. As required by Article 24 of this Resolution.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

**Section 4.1. Planned Commercial District**

Land developed for retail shopping, office, and/or hotel purposes

**Section 4.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.

2. More uses can be found in Article 19 Table of Uses.

3. Development within the Planned Commercial District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval

Article 27B – Performance Standards

Article 27C – Subdivision Standards

1. Any use permitted in the Planned Commercial District

2. More uses can be found in Article 19 Table of Uses.

#### **Section 4.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

#### **Section 4.4. AREA REGULATIONS**

1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings up to 26' in height, then one (1) additional foot of setback is required for each additional foot of building height and 10 feet for all parking lots.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

a. 25 feet

b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least forty (40) feet.

c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 24.

3. Rear Yard.

a. There shall be a minimum rear yard of twenty-five (25) feet.

4. Intensity of Use.

a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size – 10,000 square feet

- 2) Minimum road frontage – 75 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

**Section 5.1. Planned Industrial District**

Land developed for manufacturing or high-tech purposes, and/or providing services to other industries, such as health and finance.

**Section 5.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. More uses can be found in Article 19 Table of Uses.
3. Development within the Planned Industrial District shall abide by the regulations set forth in:
  - Article 27A – Site Development Plan Approval
  - Article 27B – Performance Standards
  - Article 27C – Subdivision Standards

1. Any use permitted in the Planned Industrial District
2. More uses can be found in Article 19 Table of Uses.

**Section 5.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 5.4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings and 10 feet for all parking lots.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. Along any other property line within or adjoining the district, there shall be a setback from any building or structure of at least ten (10) feet.
  - b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least twenty (20) feet.
  - c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 24.

3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 54,450 square feet (one and ¼ acres).
    - 2) Minimum road frontage – 100 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

**Section 6.1. Planned Mixed-Use District**

Land developed for a combination of commercial and light industrial uses. Medium and/or high-density residential uses may also be included.

**Section 6.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. More uses can be found in Article 19 Table of Uses.
3. Development within the Planned Mixed-Use District shall abide by the regulations set forth in:
  - Article 27A – Site Development Plan Approval
  - Article 27B – Performance Standards
  - Article 27C – Subdivision Standards
  1. Any use permitted in the Planned Mixed-Use District
  2. More uses can be found in Article 19 Table of Uses.

**Section 6.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 6.4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings and 10 feet for all parking lots.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

a. Along any other property line within or adjoining the district, there shall be a setback from any building or structure of at least ten (10) feet.

b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least twenty (20) feet.

c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 27-B Parking Standards.

3. Rear Yard.

a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.

a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size - 54,450 square feet (one and ¼ acres).

2) Minimum road frontage – 100 feet

5. Parking and Loading Requirements.

a. As required by Article 27-B Parking Standards.

## **Article 27 (A) SITE DEVELOPMENT PLAN APPROVAL**

### **Section 1. GENERAL**

These standards shall only be applicable to new developments within the Planned Development Districts that create a change of use.

### **Section 2. PRELIMINARY PLANNING MEETING**

A meeting(s) should be arranged between the applicant and the Planning Staff within 60 days of submittal to discuss the proposal in order to avoid a delay in the approval process. For the meeting, the applicant should be prepared to provide as much of the following information as possible:

1. Sketch drawing of proposed site plan.
2. Topographic map of the area (5' contours).
3. General outline of 100 year floodplain or on-site drainage ways.
4. Proposed locations of all buildings, structures, parking areas, drives, walks, screening/buffering, public streets and existing easements.
5. Proposed landscaping.
6. Public streets, driveways, structures, drainage systems, fire hydrants.
7. Other pertinent existing or proposed facilities or landscape features that have a bearing on the site including existing foliage.
8. Approximate areas of proposed improvements.
9. Approximate timeline for project.
10. Elevation (exterior wall) sketches showing the general style and size of the building and proposed materials.

### **Section 3. PURPOSE AND INTENT**

- A) The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage on the site, any or all of these, in a manner that will promote safety and convenience for the public.



- B) No building permit shall be issued in any of the noted instances for the erection or alteration of a structure or building until a Site Development Plan has been submitted and approved by the Leavenworth County Planning and Zoning Department.

**When Required**

The conditions and requirements of this section shall be in full force and effect in each and all of the following instances:

1. Whenever an area is designated as PR-1, PR-2, PR-3, MXD, PC, and PI District.
2. Whenever a use in one of the Districts listed in a) above is altered, changed or intensified in a manner that increases parking or change outside appearances.
3. Whenever a specific reference is made to this section in any other section of the Zoning Regulations.
4. Single-family and two-family (duplex) units are hereby expressly excepted from the provisions of this section.

**Section 4. PROCEDURE**

A site plan application, three (3) copies of the site plan, and a review fee as established by the resolution of the Board shall be submitted by the property owner, or his/her certified agent, to the Planning and Zoning Department. No part of the review fee shall be refunded. (Prior consultation with the Planning Staff is encouraged so that the possibility of a delay in approval is minimized.) The Planning Staff shall review the site plan for conformance with all the Regulations applicable to the area.

If the Planning Staff denies the site development plan, it shall be submitted to the Planning Commission with a report and reasons for denial. The Planning Commission, after receiving the report of the Planning Staff, the Planning Commission shall approve the site development plan, with or without conditions; deny it; or defer it for further study.

**Section 5. SITE PLAN CONTENTS**

1. The site development plan shall be prepared by an architect, engineer, surveyor, landscape architect or other qualified individual at a scale on one (1) inch equal fifty (50) feet or larger.
2. One or more maps shall be submitted with the final development plan. Each map shall contain all map submission requirements, and shall bear such professional certifications and seals as the County may require.

The maps shall show:

- a. Finished grades or contours for the entire site (2-foot contour intervals shall be required by the Director, depending on the site).
- b. Legal description of the lot.
- c. Name, address and phone number of the applicant, owner and designer.
- d. All proposed and existing adjacent public street rights-of-way with centerline location.
- e. All proposed and existing adjacent public street and public drive locations, widths, curb cuts and radii.
- f. Location, width and limits of all existing and proposed sidewalks.
- g. Location, size and radii of all existing and proposed median breaks and turning lanes.
- h. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
- i. Location of all required building and parking setbacks.
- j. Location, dimensions, number of stories and area in square feet of all proposed buildings.
- k. Area of land in square feet or acres, Area of the building in square feet, percentage of pervious area (green space), and parking space ratios.
- l. Limits, location, size and material to be used in all proposed retaining walls, including top and bottom of wall elevations.
- m. The location, number, size, and type of landscaping plants and material;
- n. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas, trash enclosures and docks.
- o. Location, height, intensity, type, and color of outside lighting and fixtures for buildings and parking lots (photometric study shall be provided).
- p. Location, size, and type of material of all proposed signs, including monument or freestanding signs.
- q. The location of adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements.

- r. Final storm water collection, detention and erosion control plans.
- s. Final water and sanitary sewer plans.
- t. One or more illustrations shall be submitted with the final development plan showing building elevations (except for single-family dwellings) including the following:
  - i.) Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs and height dimensions on the building.
  - ii.) Size, location, color and materials of all signs to be attached to building exteriors.
  - iii.) Location, size and materials to be used in all screening of rooftop or ground-level mechanical equipment, trash and refuse collection areas, and loading areas.
  - iv.) Building sections.
- u. Design guidelines relating to signage, architecture, and similar design features if the development involves multiple buildings.
- v. Dimensions and areas of all floors within proposed buildings.
- w. Landscaping, tree preservation and planting and buffer yard plans as required.

3. The following additional comments shall be submitted in support of the application for final development plan approval:

- i.) Evidence of the establishment of the agency for the ownership and maintenance of any common open space and / or storm water system and all assurances of the financial and administrative ability of such agency, to maintain such space.
- ii.) Conditions on Final Approval. If the County attaches conditions to the approval of a final development plan, it shall designate specific requirements, if any, that must be met before issuance of a building permit and/or prior to recording of the plat.

### **Section 6. CONDITIONS OF APPROVAL**

Before approving a site plan, the Planning Staff shall first find that the following conditions have been met:

1. That the proposed use is a permitted use in the district in which the property is located.
2. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
3. That the vehicular ingress and egress to and from the site and the circulation within the site provides for safe, efficient, and convenient movement of traffic not only within the site but on adjacent roadways as well.
4. That the site plan provides for the safe movement of pedestrians within the site.
5. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan not used for the building, structures, parking, sidewalks or access ways shall be landscaped with a mixture of grass, trees, and shrubs.
6. That all outdoor trash areas are screened.
7. That a traffic study for the site is conducted.
8. That the design for storm drainage must provide for attaining a zero net gain in storm water runoff between the tract in its natural state and the proposed developed state.

**Determining The Need For Detention:** An engineering study will be required for all locations to determine the impact of the proposed development on the existing drainage system and the need for detention. The study shall be submitted to the County with the preliminary plat or site plan for proposed development. The study shall be prepared under the direct supervision of a professional engineer licensed in the State of Kansas.

### **Section 7. OCCUPANCY OF SITE**

In general, no initiation or use of a site shall take place before all conditions of the site plan and other provisions of the Zoning Regulations have been satisfied, except:

1. That in planned unit developments, planned shopping centers, or planned industrial parks, approved for phased development by the Planning and Zoning department, such activity may commence as each phase is completed if the conditions of the site plan relating to the particular conditions are satisfied.
2. That consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans before initiation of such activity; provided, that landscaping shall be completed within six (6) months following commencing of such activity.
3. Such conduct of an activity on a parcel of ground having an approved site plan without completion of site plan conditions, excepted as noted above, and/or Zoning Regulations shall be considered a violation of the Zoning Regulations.

#### **Section 8. APPROVED SITE PLAN CHANGE**

An applicant who wishes to change an approved site plan must contact the Planning and Zoning Department. If the proposed changes are of a nature that the revised site plan will be substantially similar to the approved site plan, the Director of Planning and Zoning may approve the revised site plan. If the proposed changes substantially rearrange proposed uses, parking, landscaping, drainage, lighting, or location of structures, etc., the applicant must apply for new approval of the revised site plan in the manner set forth in this Article's Section 4.

#### **Section 9. TIME LIMITATIONS**

If no building permit is issued for the site within one year from the date of the site plan approval, the site plan shall be and become null and void.

#### **Section 10. VARIANCE**

An applicant may apply for a variance to the Planned Development District guidelines. The Board of Zoning Appeals may review and approve a variance on a case-by-case basis according to the impact the proposed change would cause to the overall district.

In recommending such variance or exception, the Board of Zoning appeals shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

### **ARTICLE-27 (B) PERFORMANCE STANDARDS**

#### **Section 1. GENERAL REQUIREMENTS FOR ALL PLANNED DISTRICTS**

##### **A) Environmental Protection**

- a. No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises. In no case shall the noise level exceed 60 dB at repeated intervals or for a sustained length of time, measured at any point along the property line.
- b. In Planned Industrial District a buffer along the lot lines of the premises shall be created such that noise levels shall not increase more than 60 dB outside the boundaries of the Planned Industrial District. Noise levels for the Planned Industrial District shall be reviewed on a case by case basis by the Planning and Zoning Department.
- c. No use shall create dust, dirt, particulate matter, smoke, noxious odor, radiation, noxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises except in industrial districts.

- B) Exterior: Architectural quality of the buildings must be of sufficient similarity on all sides of the structure such that all sides of the building are "finished."
- C) Site: The design of all developments, whether residential, commercial or industrial shall be such that access and circulation by firefighting equipment is assured and not hindered by steep grades, heavy landscaping or building spacing.
- D) Screening: Fences and walls up to 6 feet in height may be allowed if designed as an integral part of a development to provide privacy, security, or as part of an entry monument detail or, in some cases, required to provide screening from one property to another.
- E) Glare: All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties zoned for or developed with residential structures. No more than a maximum 0.5 foot-candle is allowed at the perimeter of the premises.

**Section 2. REQUIREMENTS IN ALL PLANNED COMMERCIAL, PLANNED INDUSTRIAL DISTRICT AND PLANNED MIXED LAND USE DISTRICT**

- A) General:
  - a. Except as provided by an approved development plan or special use permit, all products shall be sold and all services rendered inside a building.
  - b. All equipment necessary for supplying electric, communication, or related services to be constructed shall be placed underground. Equipment shall include, but not be limited to poles, towers, supports wires, conductors, guys, stubs, platforms, cross arms, braces, line transformers, insulators' cut-outs, switches, communication circuits, appliances, attachments and appurtenances. The purpose of this requirement is to promote and preserve public health, safety and welfare and to improve the appearance and orderly development of subdivisions within the corridor.
- B) Lighting
  - a. Site lighting should achieve intended illumination within parking lots, pedestrian spaces, storm water collection and detention areas and other areas where design or safety considerations are warranted. Site lighting is meant to create safe, recognizable, and aesthetically pleasing environments throughout public and private developments.
  - b. Mast-carried luminaries shall not exceed 25' in height.
  - c. High-pressure sodium lights and/ or other non-color corrected lights shall not be used.
  - d. A maintained minimum required illumination for parking lots and building entries is 0.50 foot-candle (fc). Parking lot lighting shall not cause illumination in excess of 0.5 foot candles when measured at the property line of the subject parking lot adjacent to residential use. Illumination shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Such measurement shall be taken with the photoelectric photometer while held parallel, 3 feet above the ground at the property line of the subject parking lot. Parking lot lighting shall be accomplished with pole mounted cut-off fixtures which shall be of a no-tilt, shoebox, or similar type design, equipped with flat lenses and nonadjustable mounted arms or brackets. Parking lot lighting shall have an initial average uniformity ratio of 4 to 1 (average (fc) over minimum (fc)). Pedestrian walkway lighting may use point-to-point lighting, such as light bollards, with a minimum maintained average illumination of .18 foot-candles (fc).
  - e. Lighting shall not impact traffic movements.

- f. Building illumination and architectural lighting shall be indirect in character (no light source visible). Indirect wall lighting, overhead down-lighting or interior illumination that spills into the landscape is encouraged. Architectural lighting shall articulate and animate the particular building design as well as provide the required functional lighting for safety and clarity of pedestrian movement.
  - g. Use of minimum wattage metal halide or color corrected sodium light sources, which provide "natural" light are required. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited as building lighting sources.
  - h. Use of neon lighting shall be reviewed on a case-by-case basis.
- C) Relationship of Building to Street, Parking, and Adjacent Properties
- a. All buildings shall be designed to create a strong physical relationship with their street frontages.
  - b. Every building shall have a main entrance oriented toward the street-side of the building, connecting with the sidewalk. Additional entrances may be provided and oriented toward parking courts or pedestrian paths.
  - c. Sidewalks, landscaping and other pedestrian amenities shall be provided in parking lots as per section 4 of this article.
- D) Natural Site Conditions
- a. Proposed landscaping shall accentuate the overall natural character of the site in terms of existing topography and plant material. All parcels shall be developed so as to create a minimum disturbance to the existing natural systems found on site. The intent of the performance standards is to minimize removal of natural systems that provide habitat, visual qualities of value, and the existing natural capacity for storm water control and mitigation.
- E) Service, Loading, and Utilities/Outside; Storage & Display; Screening
- a. Service or loading areas shall be accommodated entirely onsite for each parcel.
  - b. Parallel parking space for delivery vehicles shall be provided along service drives or in specially designated courts or loading areas.
  - c. Enclosures and service elements shall be integrated with the building elevation design so as to minimize the visual impact of such elements.
  - d. Hours of loading and unloading may be limited, depending upon location and surrounding property use.
  - e. All new installations and replacement of existing exterior utilities such as water, gas, sewerage, electrical, communication lines, etc. shall be installed under-ground.
  - f. Industrial buildings should be designed in a manner so that loading docks and service area are located at the side or rear of the buildings.
  - g. Any emission of noise, vapor, heat or fumes shall be mitigated by using best management practices.
  - h. Consideration should be given to developing common service courts at the interior of parcels.
  - i. Garbage, recycling collection and utility areas shall be enclosed and screened around their perimeter by walls minimum of 6 feet in height and constructed of materials consistent with the rest of the building.

### **Section 3. Architecture/Construction**

The requirements of this section shall apply to all buildings and structures (excluding single-family and two-family (duplex) dwellings), unless otherwise expressly provided in a development plan. The use of traditional materials and forms is encouraged. These requirements shall be in addition to and in conjunction with requirements set forth in an approved Development Plan.

#### **A) Building Massing, Scale**

- a. Each building is to have simple, well-proportioned, a simple form that is manipulated for relief. Massing of the buildings shall reflect a continuous mass of the building envelope.
- b. Parapets must read as integral to the mass of the building. No flat vertical surface projections will be allowed above the building roofline. Loggias and other architectural elements may be created by "carving" into the mass of the building, not by applied decoration.
- c. Details that provide human scale to structures should be fully considered and incorporated into the design.
- d. Roof forms and pitch shall be consistent for all roofs part of the same building or block of buildings.
- e. Deviation from simple forms shall be allowed to accentuate building entries and significant corners or points of access. Corners of buildings shall provide articulation through fenestration, material, and detailing.

#### **B) Shading Devices**

- a. Buildings shall provide a means for solar shading at all fenestration. This may include freestanding or attached screen walls or shade fins, architecturally constructed awnings, roof or building overhangs, recessed openings, and/or upper level balconies.
- b. Applied awnings shall be constructed of metal, canvas, and/or glass and shall be integrated into the overall design of the facade.

#### **C) Shade trees**

Refer to Article 27 (C) Section 2.2.H for details on providing shade trees in the Planned Development Districts.

#### **D) Materials and Colors**

To create a harmonious and coherent image for each development, building designs shall pay close attention to choice of materials and colors. Building construction shall be of quality and durable materials. Equally valued materials and colors shall wrap all exposed elevations of the building as a solid mass.

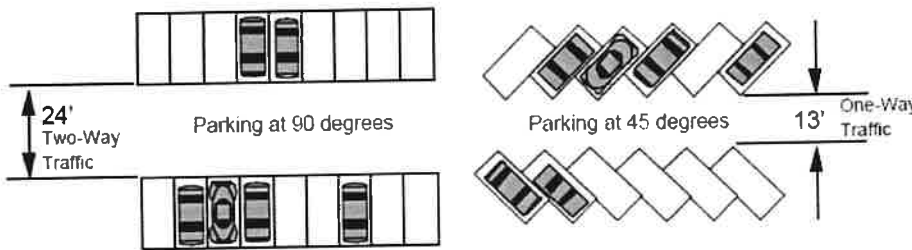
- a. Permitted Building Materials
  - i. Masonry products such as stone, brick, finished concrete, stucco and decorative concrete blocks.
  - ii. Copper
  - iii. Clear Glass
  - iv. Metal with a quality appearance and finish is acceptable in limited areas.
  - v. Wood - painted or preserved
  - vi. Vinyl Products, approved on a case by case basis.
  - vii. Vinyl windows meeting or exceeding the following AAMA/NWWDA 101/1.S.2-97 Design Specifications: All vinyl windows, except basement windows shall have a minimum Structural Test Pressure of 45.0 pounds per square foot. All basement windows shall have a minimum Structural Test Pressure of 37.5 pounds per square foot.
- b. Permitted Roofing Materials
  - i. Standing Seam Metal or Copper
  - ii. Clay, slate or cast concrete tiles

- iii. Asphalt shingles or better.

**Section 4. Parking standards**

In addition to the parking standards outlined in Article 24 of the Leavenworth County Subdivision Regulations, the following additional standards shall apply in Planned Residential, Planned Commercial, Planned Industrial and Planned Mixed land use districts except detached single family residential lots.

- A) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.
  - B) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
  - C) Parking lots shall be provided with landscape islands which shall include shade trees, ornamental trees, ground cover and other plant materials.
  - D) All parking spaces other than those for handicapped access shall be a minimum of 9' x 17'. All parking spaces for handicapped access shall be a minimum of 12' x 18'. Additional space shall be provided, as necessary, for maneuvering into and out of the spaces. The minimum widths driving lanes with a row of parking spaces on both sides of the driving lane shall be as follows:
    - a. Parking spaces at 90 degrees to driveway = 24' wide
    - b. Parking spaces at 60 degrees to driveway = 18' wide \*
    - c. Parking spaces at 45 degrees to driveway = 13' wide \*
- \* One-way traffic flow only. If two-way traffic flow, must be at least 20 feet wide.



**Figure: Parking Spaces and Angles**

- E) All required parking lots and all driveways to and within any required parking lot, shall be surfaced with a permanent bituminous or concrete pavement.
- F) The perimeter of all required parking lots and all driveways to and within any required parking lot shall be provided with concrete curbs or concrete curb and gutters.
- G) Concrete curbs, curb and gutter or wheel-stop blocks shall be provided at the front of any parking space which abuts a building, walk, other structure or landscaped area.
- H) The design for storm drainage must provide for attaining a zero net gain in storm water runoff between the tract in its natural state and the proposed developed state. An engineering study of storm water runoff shall be required for parking lots.

**ARTICLE 27 (C) – SUBDIVISION STANDARDS (Design Review Required)**

**Section 1. OVERVIEW**

The requirements and standards of this Article support the Planned Development District's Future Land Use Plan. This Article establishes minimum standards so that subdivisions:

1. have street systems, lot layouts, and subdivision improvements that reflect good planning principles, construction practices, incorporate and utilize the surrounding environmental attributes, and;
2. are designed and developed in a manner that demonstrates an understanding of and appreciation for both the near term, and lasting, long-range impacts, that subdivisions have on the health, safety, and general welfare of the public.

## **Section 2. STREETS AND DRIVEWAYS**

### **1. General Layout and Design Criteria- Existing and New Streets and Driveways:**

- A. **General Street Layout and Design Considerations:** A convenient, safe street system is important for the health, safety and welfare of the community and the economic well-being of the County. The County's street system should be designed to provide appropriate routes for through traffic, especially with respect to major nodes of urban development. Ultimately, local streets that serve individual building sites should be interconnected to the network of major and minor arterial streets which primarily provide for the through traffic needs. As areas of the County develop, a pattern of interconnected streets should follow. This street network is particularly important within subdivisions with multiple streets and will become increasingly important upon the area's urbanization and densification.
- B. **Environmental Considerations:** Street layouts shall attempt to conform to the existing natural topography and shall attempt to avoid the disruption of existing mature vegetation, 100-year flood plains and other significant natural features of the area.
- C. **Internal Street Layout Considerations:** The location, arrangement, alignment, character, and type of all streets in the subdivision shall:
  - i) Provide for safe and convenient traffic circulation within, and to and from, the subdivision for the uses of the land to be served by such streets.
  - ii) Be arranged so that through traffic is minimized for local streets and so traffic is channeled to Collector streets and to Arterial Streets.
  - iii) Be arranged to facilitate the free flow of traffic and limit potential traffic hazards by providing lots in all Planned Development District with access onto local or collector street via driveways; and preventing direct access onto Arterial Streets, and Highways in accordance with the Street Frontage Required per Driveway of this Article's, Section 2.A.
  - iv) Local or Collector Street layouts shall attempt to serve each subdivision lot or parcel and provide transportation access, and routes for utility service lines.
- D. **Connectivity and the Relationship of Internal Street Layouts to Adjoining Properties and Streets:** The location, arrangement, alignment, character, and type of streets serving new subdivisions shall be planned and designed:
  - i) For the extension of existing dead-end streets except where topography, lakes, streams, Highways, Arterial streets, or other such natural or man-made features would obstruct the provision of through streets.
  - ii) For the continuation of existing streets from adjoining subdivisions.
  - iii) For streets to be continued to adjoining properties that have not been subdivided.
  - iv) To be properly integrated with the existing and planned street system and pattern.



- v) To be continued to the boundaries of the area being subdivided at reasonable intervals that shall be not greater than 1,320 feet so that future-abutting subdivisions may connect therewith.
- E. Geometric design and right-of-way requirements for all streets shall be based upon projected future traffic volumes. Additional factors to be considered in the geometric design and right-of-way requirements are as follows:
- i. Topography and physical features
  - ii. Design speeds
  - iii. Access conditions (controlled access with access opening, turning radius of design vehicles, medians, and pedestrian facilities).
- F. Functional Street Classifications: Functional classification is an ordering system that defines the part that any particular road or street plays in serving the flow of vehicle trips through a street network. Functional classification categorizes streets according to their ability to 1) move vehicle traffic, and 2) provide access to adjacent properties.

For existing or planned streets within subdivisions, the following functional street classifications and criteria shall apply:

- a. Cul-de-sac Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged.
- b. Local Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged; however, Local Streets may connect directly to Arterial Street.
- c. Collector Streets: Connect Local Streets to Arterial Streets. Direct access from individual building lots is discouraged. Collector Streets are typically located at the 1/4-section, 1/2-section, or 1/3-section lines.
- d. Arterial Streets: Provide for travel between Collector Streets and Highways.

For each arterial street, whether it is a Major Arterial Street or a Minor Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.

G. Street Design and Construction and Right-of-way Dedication

- a. Arterial Streets within or adjacent to subdivisions and Lot Splits shall comply with the following requirements:
    - 1. The right-of-way width shall be a minimum of eighty (80) feet.
  - b. Collector Streets adjacent to Lot Splits or within or adjacent to subdivisions shall comply with the following requirements:
    - 1. The right-of-way width for Collector Streets with curbs shall be a minimum of sixty (60) feet.
    - 2. The right-of-way width for Collector Streets without curbs shall be a minimum of eighty (80) feet.
  - c. Local Streets adjacent to Lot Splits or within or adjacent to subdivisions shall comply with the following requirements:
    - 1. The right-of-way width shall be a minimum of sixty (60) feet.
2. Driveways, Intersections, and Frontages
- A. Minimum street frontage Required per Driveway in All Planned Districts:

Road Classification	Minimum Street Frontage Required per Driveway	Corner clearance from intersection for driveway entrance.

a. Highway	Lots shall not have access directly onto a Highway	
b. County Road One	2640 feet	330 feet
c. Major Arterial	660 feet	330 feet
Minor Arterial	300 feet	200 feet
d. Major Collector	300 feet	200 feet
Minor Collector	200 feet	100 feet
e. Local	125 feet	100 feet

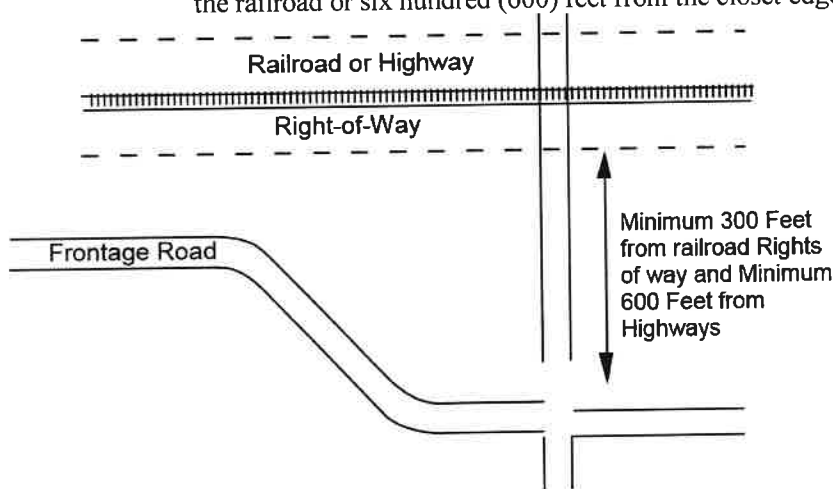
The minimum Public Road spacing standards for spacing between new public roads intersecting with other public roads (regardless of which government entity maintains the public road) for the purposes of approval of subdivision plats pursuant to the Leavenworth county Subdivision Regulations shall depend upon the road classification of other public road and hereby adopted as follows:

Road Classification	Minimum Public Road Spacing
a. Major Arterial	5,280 feet
Minor Arterial	2,640 feet
b. Major Collector	2,640 feet
Minor Collector	2,640 feet
c. Local	1,320 feet

- B. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.
- C. Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.
- D. Street centerlines shall be laid out to meet the following:
  - a. Arterial Streets continuing through an intersection shall have a continuous, straight centerline.
  - b. Offset intersections shall not be allowed where on Collector Streets that intersect Arterial Streets.
  - c. Collector Streets continuing through an intersection shall have a continuous, straight centerline.
  - d. Local Streets that intersect a Collector Street shall have either a continuous, straight centerline through the Collector Street right-of-way or shall be offset so that there is at least one hundred fifty (150) feet between the centerlines of the Local Streets. Collector Streets that intersect another Collector Street also shall meet this criterion by having either a continuous, straight centerline through the intersection or by being offset so there is at least one hundred fifty (150) feet between their centerlines.
- E. Cul-de-sac Streets
  - a. Dead-end streets, whether temporary or permanent, shall be constructed as cul-de-sac streets. It is recommended, but shall not be required, that temporary dead-end streets may terminate at the boundary of a subdivision. If a cul-de-sac terminates more than 200 feet from the nearest intersection, it shall be a temporary cul-de-sac designed to provide future connection with adjoining un-subdivided areas.
  - b. Cul-de-sac streets shall not be longer than 700 feet measured from the intersecting street right-of-way line to the centerline of the cul-de-sac radius.
  - c. Unless topography, lakes, streams, Highways, Arterial Streets, railroads or other such natural or man-made features would obstruct the provision of through streets, permanent cul-de-sac streets shall be minimized by laying out the subdivisions to comply with the block length and cul-de-sac street length criteria of these regulations in order to facilitate traffic circulation, utility line interconnections, road maintenance and snow removal.

F. Frontage Roads

- a. Frontage roads are specific type of internal street pattern and shall be encouraged when access to certain arterial roads are limited or existing geology, topography, floodplain, or other environmental constraints or lot patterns are such that frontage roads are the most feasible way to provide for local traffic service to appropriate access points on the arterial streets. For example, when internal street patterns cannot be arranged to meet the street spacing and road frontage requirements of these regulations, or if the lots cannot be arranged with side lot lines or rear lot lines adjacent to Major Arterial Streets or Highways.
- b. Frontage roads or other internal street patterns shall be planned and constructed in subdivisions when the number of access points on one side of the Arterial Street would exceed the maximum number that would be allowed by compliance with the minimum Road Spacing requirements mentioned in Section 2 (2) (A) of this Article.
- c. Frontage roads shall not intersect Arterial Streets or Collector Streets at closer intervals than minimum Road Spacing's allowed by Section 2 (2) (A) of this Article.
- d. Frontage roads shall conform to Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners.
- e. Frontage roads or other streets that are parallel to railroad or Highway or Major Arterial roads rights-of-way shall not intersect streets that cross the railroad or Highway-at-grade unless the frontage road or other parallel street centerline is at least three hundred (300) feet from the closest edge of the railroad or six hundred (600) feet from the closet edge of the Highway right-of-way.



- f. Frontage road access points on opposite sides of Arterial Streets shall be aligned to minimize the number of future median openings.
- G. Sidewalks:
- a. Sidewalks are required and shall be installed by the developer on one side of all streets in residential subdivisions with a majority of the lots less than one (1) acre in size, and are permitted in all other subdivisions in conformance with the requirements set forth herein. Sidewalks are permitted in all other districts.
  - b. Sidewalks shall be located within the public right-of-way and shall not be more than one (1) foot from the public right-of-way line of all streets. There shall be a landscaped area at least two (2) feet wide between the sidewalk and curb. If site conditions do not allow for the buffer area and sidewalks

must be constructed adjacent to the curbs, the sidewalks shall be constructed as a separate entity to the curb, and at no time shall the two be constructed as a single unit.

c. Sidewalks shall provide for continuous pedestrian access, and also connect abutting properties or subdivisions.

d. Sidewalks shall also be provided as part of the construction of the internal subdivision streets.

e. The minimum width of sidewalks shall be four (4) feet.

f. Sidewalks at street intersections shall be ramped to provide access for physically impaired persons.

#### H. Shade trees

Along Arterial and Collector Street rights-of-way adjacent to planned residential subdivisions, or within or adjacent to any commercial or employment center subdivision, new shade trees shall be planted or existing trees shall be kept as follows:

1. One (1) street tree shall be provided for each 100 feet of street frontage within the landscaped setback abutting said street frontage.

2. In addition to the street trees, one ornamental tree per 50 lineal feet and one shrub per 25 lineal feet or portion thereof shall be planted within the setback. Additional trees may be clustered or arranged within the setback if approved as part of the landscape plan.

3. A minimum of 5% of the interior site shall be landscaped.

4. A minimum of 10% of the lot shall be kept as pervious area (green space).

### **Section 3. LAYOUT OF LOTS**

#### **Planned Residential Subdivision Lots:**

- a. Within subdivisions of property planned residential district, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1). Within subdivisions of property zoned Planned Residential District, the lot-depth to lot-width ratios for lots ten (10) acres or larger shall not exceed four to one or be less than one to one.
- b. Corner lots shall have sufficient depth and width to allow the yard setbacks required in the applicable zoning district to be provided along all street frontages.
- c. The minimum lot width required in the zone shall be provided at least at the front building setback line.
- d. Double frontage lots shall be avoided unless no other lot arrangement is possible, such as where lots back onto a major Arterial Street. Access for a double frontage lot shall be on the least travelled road. All double frontage lots shall include a non-access easement which shall prevent driveway access on the rear lot line.
- e. Lots shall be arranged so that surface drainage in swales or channels across residential lots is avoided or is located along side or rear lot lines, unless surface drainage in other locations on the lots is necessary as determined by the County Engineer. Where surface drainage in a swale or channel on a residential lot is necessary, as determined by the County Engineer, drainage easements may be required and the drainage systems in such easements shall be improved in accordance with Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners. Each residential lot that will have surface drainage in a swale or channel shall be appropriately shaped, sized and dimensioned to provide a buildable area that the County Engineer deems to be appropriate for the subdivision.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 10<sup>th</sup> day of March 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 31<sup>st</sup> day of March, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 28<sup>th</sup> day of September, 2020 and incorporated herein by reference;

That the amendments listed herein be approved:



Janet Klasinski  
Janet Klasinski By Helen Rubin Rosenberg

Adopted this 31<sup>st</sup> day of March, 2021  
Board of County Commission  
Leavenworth, County, Kansas

Michael Smith  
Michael Smith, Chairman

Jeff Culbertson  
Jeff Culbertson, Member

Vicky Kaaz  
Vicky Kaaz, Member

Doug Smith  
Doug Smith, Member

Mike Stieben  
Mike Stieben, Member